

**ROBERT Z. DEMARCO, ESQ.**  
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**Attorney for Plaintiff**

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \* \*

**SOVANY BEVERAGE COMPANY, LLC )**  
**A Nevada Limited Liability Company, )**  
**)**  
**Plaintiff, )**

**v. )**

**CASE NO: 2:21-cv-01414-APG-EJY**

**NEWPORT FLAVORS AND )**  
**FRAGRANCES )**  
**d/b/a NEWPORT BOTTLING AND )**  
**CANNING, a California Corporation; )**  
**Doe Individuals I through X, and Roe )**  
**Corporations I through X, )**

**Defendant. )**

**STIPULATION REGARDING**  
**BRIEFING OF DEFENDANT'S MOTION**  
**TO DISMISS (ECF 6)**  
**AND [PROPOSED] ORDER**  
**[1st REQUEST]**

**IT IS HEREBY STIPULATED and AGREED** by and between the Plaintiff, Sovany Beverage Company, LLC, through Robert Z. DeMarco, Esq., and Eric Hone, Esq., and Joel Schwarz, Esq., attorneys for Defendant, Newport Flavors and Fragrances, d/b/a Newport Bottling and Canning, that Plaintiff may file a Response to Defendant's Motion to Dismiss (ECF 6), by September 3, 2021, and that Defendant may file a Reply to said Response by September 17, 2021.

1 The reason for this stipulation is there is a pending Order to Show Cause why this matter  
 2 should not be Remanded for lack of subject matter jurisdiction. Moreover, counsel for Plaintiff has  
 3 requested additional time to file a response in this Court in the event the matter is not remanded back  
 4 to the Eighth Judicial District Court.

5 By entering into this stipulation, Plaintiff does not consent to the Defendant's removal of this  
 6 action from the Eighth Judicial District Court, and Plaintiff reserves all rights and remedies.  
 7

8 **DATED** this 19<sup>th</sup> day of August, 2021.

9  
 10 /s/ Robert Z. DeMarco  
 11 ROBERT Z. DEMARCO, ESQ.  
 12 Nevada Bar No. 12359  
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 Attorney for Plaintiff

16 **DATED** this 19th day of August, 2021.

17 /s/ Eric D. Hone  
 18 H1 LAW GROUP  
 19 Eric D. Hone, NV Bar No. 8499  
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 23 Attorneys for Defendant  
 24  
 25  
 26

**ORDER**

Based upon the foregoing stipulation, and with good cause appearing, **IT IS THEREFORE ORDERED** that Plaintiff may file a Response to the Motion to Dismiss (ECF 6), by September 3, 2021, and that Defendant may file a Reply to said Response by September 17, 2021, in the event the matter is not remanded back to the Eighth Judicial District Court.

**IT IS SO ORDERED.**

**DATED** this 20th day of August, 2021.

  
\_\_\_\_\_  
**UNITED STATES DISTRICT JUDGE**

Submitted by:

/s/ Robert Z. DeMarco  
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